

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHARLES T. CEPHAS

v.

MARYLAND RURAL DEVELOPMENT
CORP., ET AL.

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Civil No. – JFM-10-813

MEMORANDUM

Plaintiff has brought this *pro se* action against the Maryland Rural Development Corp. and various individuals. On April 15, 2010, this court entered an order granting plaintiff's motion to proceed *in forma pauperis* and granting him leave to file a supplemental complaint. In the order this court cautioned plaintiff "that a failure to file a . . . responsive supplemental complaint will result in the dismissal of his case without prejudice."

Plaintiff has filed a supplemental complaint. The defendants who have been served have responded to the complaint by filing motions to dismiss. Plaintiff has filed a motion for default judgment against several defendants but these defendants have either responded to the supplemental complaint or have not been served.

The defendants who have filed motions to dismiss make arguments that may well be meritorious as to plaintiff's state law claims. However, there is a more fundamental fallacy in plaintiff's supplemental complaint: he still has not asserted sufficient facts to demonstrate that this court has subject matter jurisdiction. There is no diversity of citizenship among the parties, and although plaintiff has nakedly asserted federal claims (both statutory and constitutional), he has not sufficiently stated facts to support any of these claims. Thus, the supplemental complaint

is insufficient under the Supreme Court's decisions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009). It also is insufficient under this court's April 15, 2009 order.

Accordingly, this action will be dismissed for lack of subject matter jurisdiction. If plaintiff desires to pursue any state law claims, he must do so in state court.

Date: December 10, 2010

/s/
J. Frederick Motz
United States District Judge